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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/221,475 12/28/98 LEE

K P55504

EXAMINER

TM02/1002

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ART UNIT

PAPER NUMBER

2181

DATE MAILED:

10/02/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/221,475

Applicant(s)

Lee et al.

Examiner
Raymond N. Phan

Group Art Unit
2181



- ☐ Responsive to communication(s) filed on _____
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

- ☒ Claim(s) 1-15 _____ is/are pending in the application.
- Of the above, claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1, 2, 4, 5, 7, 8, 10, 11, and 13-15 _____ is/are rejected.
- ☒ Claim(s) 3, 6, 9, and 12 _____ is/are objected to.
- ☐ Claims _____ are subject to restriction or election requirement.

Application Papers

- ☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) _____
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

- ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- ☒ Notice of References Cited, PTO-892
- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 4,6
- ☐ Interview Summary, PTO-413
- ☒ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

Part III DETAILED ACTION

Notice to Applicant(s)

1. This application has been examined. Claims 1-15 are pending.
2. The Group and/or Art Unit location of your application in the PTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Group Art Unit 2181.

Specification

3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

5. Claims 1-2 are rejected under 35 U.S.C. § 102(e) as being anticipated by Jeon (US No. 6,122,734).

In regard to claim 1, Jeon discloses a recording medium for fixing a conflict of a computer system comprising a boot image loaded in a main memory installed in the computer system when the computer system is booted, for managing the operation of the computer system (see col. 4, lines 14-36); a program image

consisting of an operating system and application programs to be installed in an auxiliary memory unit of the computer system and list of the operating system and application programs (see col. 4, lines 14-27); and a conflict repair control program having a code means (a) loaded in the main memory of the computer system for checking whether the auxiliary memory unit is normal, and code means (b) for repairing damaged files in the auxiliary memory unit using the program image when abnormality exists in the auxiliary memory unit (see col. 5, lines 9-55).

In regard to claim 2, Jeon discloses the recording medium is a CD-ROM (see abstract).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 4-5 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Halladay (US No. 5,713,024) in view of Meyer et al. (US No. 6,170,055).

In regard to claim 4, Halladay discloses the computer system having a conflict repair function and including a control unit, main memory, an auxiliary memory and an input output device wherein the control unit comprising a state information recording portion for collecting state information on the computer system and recording the collected information in the auxiliary memory (see col. 3, line 45 through col. 4, line 16); a conflict sensing portion for sensing a general protection fault, a system registry, and system hardware information abnormality when the computer is operated and reporting the sense fault to a user via input output device

(see col.4, lines 19-33); an existing state reverting portion for reverting the computer system to a state when state information selected by the user among state information recorded in the state information database was produced (see col. 8, line 22 through col. 9, line 4). But Halladay does not disclose a state diagnosis portion for diagnosing the presence or absence of abnormality in the computer system according to a user's instruction, attempting to fix an abnormality using diagnosed contents when the abnormality is sensed, and reporting to the user via the input output device abnormality incapable of being fixed by the diagnosed contents. However Meyer et al. disclose a state diagnosis portion for diagnosing the presence or absence of abnormality in the computer system according to a user's instruction, attempting to fix an abnormality using diagnosed contents when the abnormality is sensed, and reporting to the user via the input output device abnormality incapable of being fixed by the diagnosed contents (see col. 12, lines 14-54). Therefore, it would have been obvious to a person of an ordinary skill in the art at the time the invention was made to have combined the teachings of Meyer et al. within the system of Halladay because it would provide the user with familiar operating environment to correct errors in event of failure of the computer.

In regard to claim 5, Halladay discloses the state information recording portion allocating a predetermined region for a state information database in the hard drive and records new state information which replaces the oldest information (see col. 8, line 49 through col. 9, line 5).

8. Claims 7-8, 10-11, and 13 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Halladay in view of Meyer et al. and further in view of Jeon.

In regard to claims 7, 10-11, 13, Halladay and Meyer et al. disclose the claimed subject matter as discussed above except the teaching of a recording medium for fixing a conflict of a computer system comprising a boot image loaded in a main memory installed in the computer system when the computer system is booted, for managing the operation of the computer system; a program image consisting of an operating system and application programs to be installed in an auxiliary memory unit of the computer system and list of the operating system and application programs; and a conflict repair control program having a code means (a) loaded in the main memory of the computer system for checking whether the auxiliary memory unit is normal, and code means (b) for repairing damaged files in the auxiliary memory unit using the program image when abnormality exists in the auxiliary memory unit. However Jeon discloses a recording medium for fixing a conflict of a computer system comprising a boot image loaded in a main memory installed in the computer system when the computer system is booted, for managing the operation of the computer system (see col. 4, lines 14-36); a program image consisting of an operating system and application programs to be installed in an auxiliary memory unit of the computer system and list of the operating system and application programs (see col. 4, lines 14-27); and a conflict repair control program having a code means (a) loaded in the main memory of the computer system for checking whether the auxiliary memory unit is normal, and code means (b) for repairing damaged files in the auxiliary memory unit using the program image when abnormality exists in the auxiliary memory unit (see col. 5, lines 9-55). Therefore, it would have been obvious to a person of an ordinary skill in the art at the time the invention was made to have combined the teachings of Jeon within the systems of

Meyer et al. and Halladay because it would reduce the cost of providing the various programs to the user and damaged computer system easily repaired with on the CD-ROM.

In regard to claim 8, Jeon discloses the recording medium is a CD-ROM (see abstract).

9. Claims 14-15 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Meyer et al. in view of Jeon.

In regard to claim 14, Meyer et al. disclose the method of fixing a conflict generated on an auxiliary memory (i.e. hard drive) in the computer using the removable high capacity media device including a removable high capacity media comprising the step of setting the device as a master device, booting the computer system, checking the conflict of the auxiliary memory and fixing the damaged system file (see col. 10, lines 45-68); reinstalling an operating system in the auxiliary memory comprising the substep of setting the removable high capacity media device as a master device and booting the computer system again when a new booting when an auxiliary memory is set as the master device fails (see col. 11, lines 1-25); backing up data files stored in the auxiliary memory and formatting the auxiliary memory (see col. 11, lines 25-67); installing an operating system among a program image recorded in the removable high capacity media, in the hard drive (see col. 11, lines 49-67); setting the hard drive as a master device and newly booting the computer system (see col. 13, lines 28-30); reinstalling application program in the auxiliary memory using the program image recorded in the removable high capacity media (see col. 13, lines 1-13); restoring the data back file

in the auxiliary memory (see col. 14, line 63 through col. 15, line 6). But Meyer et al. do not specifically disclose the removable high capacity media as a CD-ROM. However Jeon discloses the CD-ROM as a bootable recovery disks (see abstract). Therefore, it would have been obvious to a person of an ordinary skill in the art at the time the invention was made to have combined the teachings of Jeon within the systems of Meyer et al. because it would reduce the cost of providing the various programs to the user and damaged computer system easily repaired with on the CD-ROM.

In regard to claim 15, Meyer et al. disclose the step of restoring the computer to a state previous to the one where the conflict occurred when repairing of the computer system fails (see col. 13, lines 14-27).

Allowable Subject Matter

10. Claims 3, 6, 9, 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

11. Claims 1-2, 4-5, 7-8, 10-11, 14-15 are rejected. Claims 3, 6, 9, 12 are objected.

12. The prior arts made of record and not relied upon are considered pertinent to applicant's disclosure.

Aguilar et al. (US No. 6,289,449) disclose a creating boot code image on a storage medium.

Sadowsky et al. (US No. 6,230,285) disclose a boot failure recovery.

Aguilar et al. (US No. 6,272,628) disclose boot code verification and recovery.

Sobel (US No. 6,205,558) discloses a recovery of file system after modification failure.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Raymond Phan, whose telephone number is (703) 306-2756. The examiner can normally be reached on Monday-Friday from 6:30AM- 4:00PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Beausoleil can be reached on (703) 305-9713 or via e-mail addressed to robert.beausoleil@uspto.gov. The fax phone number for this Group is (703) 305-3718.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [raymond.phan@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Raymond Phan
Sep 27, 2001


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SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100